United Nations S/2013/387

Security Council

Distr.: General
28 June 2013

Original: English

Report of the Secretary-General on the implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2098 (2013), in which the Council requested that I submit a report on the implementation of the commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region.[1] The report covers developments since the adoption of the resolution and describes recent regional peace and security initiatives in relation to eastern Democratic Republic of the Congo and progress on the implementation of the Framework and on the establishment of regional benchmarks and appropriate follow-up measures, as referred to in paragraphs 4 and 5 of the resolution.

II. Recent developments

2. The signing of the Peace, Security and Cooperation Framework in Addis Ababa on 24 February 2013, and the diplomatic and political initiatives that it inspired, has raised expectations that the protracted crisis in eastern Democratic Republic of the Congo could be resolved. However, the situation remains tense, with episodes of deadly fighting indicative of its continuing volatility.

3. The humanitarian impact of the crisis in the Democratic Republic of the Congo and in the region remains alarming. In the Democratic Republic of the Congo, the number of internally displaced persons rose to more than 2.6 million by early 2013, up from 1.8 million in early 2012. No longer limited to North and South Kivu, the crisis expanded to parts of Maniema and Katanga provinces in 2012 and has had a renewed regional impact, with waves of Congolese refugees arriving in Uganda, Rwanda and Burundi on a regular basis since early 2012. Currently, some 110,000

[1] In this context, region is defined as covering the 11 signatory countries of the Peace, Security and Cooperation Framework, namely, Angola, Burundi, the Central African Republic, the Congo, the Democratic Republic of the Congo, Rwanda, South Africa, South Sudan, Uganda, the United Republic of Tanzania and Zambia. In addition, the following four intergovernmental organizations act as guarantors for the Framework: the African Union, the International Conference on the Great Lakes Region, the Southern African Development Community and the United Nations. For further information, see S/2013/119 and S/2013/131, annex.

Please recycle

Congolese refugees are in Uganda, 58,000 in Rwanda, 40,000 in Burundi and 63,000 in the United Republic of Tanzania. Meanwhile, the Democratic Republic of the Congo is also host to some 140,000 refugees, including from Burundi, Rwanda and Angola. Most recently, the deterioration of the security situation in the Central African Republic since December 2012 has forced some 37,000 people from that country to seek refuge in the Equateur and Orientale provinces of the Democratic Republic of the Congo. On a positive note, the Governments of the Democratic Republic of the Congo and Rwanda and representatives of the Office of the United Nations High Commissioner for Refugees met in Kigali on 20 and 21 June to review the status of Rwandan refugees in the Democratic Republic of the Congo. While both countries have yet to address some critical issues, notably on identification and sensitization of refugees, this was an important step towards addressing a long-standing aspect of the crisis.

4. At the regional level, the delegations of the Government of the Democratic Republic of the Congo and of *Mouvement du 23 mars* (M23) returned to Kampala for consultations with the facilitator of the peace talks, on 12 June and 9 June, respectively. This followed a three-month hiatus marked by an outbreak of short but heavy fighting within M23, and between the *Forces armées de la République démocratique du Congo* (FARDC) and M23.

5. The Kampala talks, facilitated by the Minister of Defence of Uganda, Crispus Kiyonga, under the auspices of the President of Uganda, Yoweri Museveni, in his capacity as Chair of the International Conference on the Great Lakes Region (ICGLR), have progressed slowly since they began on 9 December 2012. At the time of preparing the present report, the two delegations have concluded discussions on one of the four agenda items: the review of the peace agreement of 23 March 2009 between the Government of the Democratic Republic of the Congo and the *Congrès national pour la défense du peuple* (CNDP). The three remaining agenda items are yet to be thoroughly discussed, including security; social, political, and economic matters; and the implementation plan for the decisions reached during the talks. Meanwhile, since the return of the two delegations to Kampala in June, the facilitator has been consulting with them, separately, on a draft agreement he proposed regarding the remaining agenda items, including on the modalities for an amnesty, disarmament and civil and military integration of M23 mutineers.

6. Against the background of the Kampala talks, a serious crisis erupted within M23 in late February, resulting in a split and subsequent fighting between two factions, led by General Bosco Ntaganda and Colonel Sultani Makenga, respectively. The leadership crisis revealed deep-seated, unresolved issues between the armed group's major constituencies, including a power struggle and tensions within the members' ethnic communities in North Kivu. It also brought to light the role of Bosco Ntaganda, whose membership had long been denied by M23.

7. While the facilitator of the Kampala talks continued to urge the military and political leadership of the factions of M23 to cease hostilities immediately, the fighting only came to an end on 16 March, with the fall of Kibumba, the headquarters of the pro-Ntaganda faction. Some 600 pro-Ntaganda combatants fled the fighting and crossed into Rwanda, including Bosco Ntaganda, Bishop Jean-Marie Runiga, the former M23 political leader, and Baudouin Ngaruye, a senior military commander in M23. Unexpectedly, Bosco Ntaganda surrendered to the Embassy of the United States of America in Kigali on 18 March and asked to be

transferred to the International Criminal Court. With the cooperation of the Governments of Rwanda, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America, Bosco Ntaganda was transferred to The Hague on 22 March.

8. Other regional efforts have also contributed to the overall containment of the situation in eastern Democratic Republic of the Congo. On 12 March, the President of Angola, José Eduardo Dos Santos, convened a mini-summit with the President of South Africa, Jacob Zuma, and the President of the Democratic Republic of the Congo, Joseph Kabila, in which they expressed their support for the Peace, Security and Cooperation Framework and their intention to examine ways to coordinate their approaches to its implementation. On 24 March, the President of the Republic of Congo, Denis Sassou Nguesso, convened a mini-summit in his home town, Oyo, attended by the President of the Democratic Republic of the Congo, the President of Rwanda, Paul Kagame and the President of Uganda. The leaders welcomed the Framework and called for the resumption and conclusion of the Kampala talks. During the Organ Troika Summit of the Southern African Development Community (SADC), held on 10 May, in Dar es Salaam, United Republic of Tanzania, the Heads of State of SADC, among other decisions, welcomed the adoption of Security Council resolution 2098 (2013) and encouraged the Government of the Democratic Republic of the Congo and M23 to resume and conclude the Kampala talks in an expeditious manner.

9. Despite these political initiatives, the situation on the ground remained tense. On 20 May, heavy fighting occurred between FARDC and M23 near Goma, interrupting a six-month lull in the fighting between them. As a result of diplomatic efforts through various channels, including on the part of my Special Representative for the Democratic Republic of the Congo and head of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), Roger Meece, the fighting ceased on 22 May. While there have not been any major hostilities since then, the situation in eastern Democratic Republic of the Congo remains volatile.

III. Activities of the Special Envoy

10. Since her appointment on 18 March, my Special Envoy for the Great Lakes region, Mary Robinson, has held a series of consultations with leaders of the region and civil society groups. Against the backdrop of tensions generated by statements from M23 in reaction to the deployment of the Force Intervention Brigade under MONUSCO, she visited the Democratic Republic of the Congo (Kinshasa and Goma), Rwanda, Uganda, Burundi and South Africa from 28 April to 5 May. She met with the President of the Democratic Republic of the Congo, the President of Uganda and the President of Burundi, Pierre Nkurunziza, and had a telephone conversation with the President of Rwanda, who was out of the country at the time of her visit. The Special Envoy also met with other officials, including the Minister of Defence of Uganda and facilitator of the Kampala talks, the Chairperson of the African Union Commission, Nkosazana Dlamini Zuma, the Special Representative of the African Union Commission for the Great Lakes Region, Boubacar Gaoussou Diarra, and the Executive Secretary of the International Conference on the Great Lakes Region, Alfonse Ntumba Luaba. She intends to pursue her close consultations

with the leaders of the region, including visits to all the signatory countries to the Peace, Security and Cooperation Framework.

11. My Special Envoy held extensive meetings with United Nations country teams, the diplomatic corps and the donor community in all the countries she visited, as well as with MONUSCO, in the Democratic Republic of the Congo and the United Nations Office in Burundi (BNUB), in Burundi. In each capital, she ensured that her consultations included representatives of civil society, notably women's groups, in an effort to build strong constituencies in support of the Framework.

12. The purpose of her visits was threefold: (a) to seek the views of leaders and others on the implementation of the Framework, particularly on the establishment of the oversight mechanisms and development of regional benchmarks; (b) to encourage participation in the first meeting of the regional oversight mechanism (known as the 11 plus 4 oversight mechanism, held on 26 May in Addis Ababa; and (c) to share her vision for and approach to the implementation of the Framework.

13. During her meetings with government officials, my Special Envoy discussed in detail their commitments as outlined in the Framework, stressing the need to ensure its full implementation. She called upon civil society groups to encourage their governments to respect their commitments and to hold them accountable. She stressed that equal importance attached to the implementation of the Framework as a shared responsibility, and that success would be predicated upon each and all parties living up to their commitments, given the considerable challenges ahead. She had summarized her personal vision for and approach to the Framework as Special Envoy in a document entitled "A framework of hope", issued on 28 April 2013.

14. From 22 to 25 May, I undertook a visit to Mozambique, followed by an unprecedented joint tour to the Democratic Republic of the Congo, Rwanda and Uganda with the President of the World Bank, Jim Yong Kim, in support of the Framework. While the leaders of the States in the Great Lakes region are the key drivers of peace, stability and growth in that region, my visit with Mr. Kim was aimed at showing our commitment to ensuring that the political and security aspects of the Framework are pursued concurrently with its economic aspects.

15. To that end, on 23 May in Kinshasa, Mr. Kim announced a pledge of 1 billion dollars from the World Bank, in zero-interest financing, to support two major regional development priorities: the recovery of livelihoods to reduce the vulnerability of the people of the Great Lakes whose communities have suffered greatly during conflict in the region; and the revitalization and expansion of cross-border economic activity to spur greater opportunity and integration in the areas of agriculture, energy, transport and regional trade.

16. The World Bank's proposed additional funding includes roughly 100 million dollars in support of agriculture and rural livelihoods for internally displaced people and refugees in the region; 340 million dollars to support the 80 MW Rusumo Falls hydroelectric project for Burundi, Rwanda and the United Republic of Tanzania; 150 million dollars for the rehabilitation of the Ruzizi I and II hydroelectric projects and financing for Ruzizi III, supplying electricity to Rwanda, Burundi and the Democratic Republic of the Congo; 165 million dollars towards building roads in North and South Kivu and Province Orientale; 180 million dollars for infrastructure improvement and border management along the border between Rwanda and the Democratic Republic of the Congo; and several millions of dollars in additional

funding for public health laboratories, fisheries and trade facilitation programmes, among others.

17. In the Democratic Republic of the Congo, the President, the Prime Minister, the President of the Senate, the Speaker of the National Assembly, the Governor of North Kivu and civil society representatives all called for the rapid deployment of the Force Intervention Brigade of MONUSCO, arguing that the recent fighting between FARDC and M23 was a grim reminder of its necessity. I stressed that the Brigade was a tool in support of the comprehensive political approach contained in the Framework and cautioned that it could not substitute for FARDC, which bears primary responsibility for upholding territorial integrity and protecting civilians.

18. In Rwanda, Mr. Kim and I, with the President and some ministers of the Government, discussed concrete projects that could reinforce the economic integration of the Great Lakes region, notably in the energy and agriculture sectors.

19. In Uganda, discussions with the President focused on economic integration and the potential of the Great Lakes region, as a hub linking Eastern and Southern Africa. The President of Uganda has convened a summit of the International Conference on the Great Lakes Region, scheduled to take place on 31 July in Luanda, in consultation with the President of Angola, to further review recent developments in the region, including progress on the implementation of the Framework.

IV. Implementation of the commitments made under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region

A. Commitments of the Democratic Republic of the Congo

20. On 13 May, the Council of Ministers adopted the presidential ordinance establishing the national oversight mechanism, as stipulated by the Framework. The national oversight mechanism will maintain a regular dialogue with all partners with a view to ensuring their support for the implementation of the Framework. On 21 May, François Muamba was appointed, by presidential ordinance, as coordinator of the mechanism's executive committee, along with two assistant coordinators. A former Minister of Industry and Economy and Minister for the Budget and member of the National Assembly, Mr. Muamba has also been a member of the Government's delegation to the Kampala talks with M23.

21. The Democratic Republic of the Congo has taken some initial steps to move forward on critical reforms. On 19 April, a revised law for a restructured Independent National Electoral Commission was promulgated, following arduous negotiations among parliamentarians. On decentralization, a series of additional laws were adopted, including some related to public finance. Also, as constitutionally required, the third Conference of Governors, chaired by the Presidency, was held on 18 and 19 March.

22. In the security and justice sectors, an action plan was adopted for the Congolese National Police and there were positive steps in the fight against impunity, including the trials and convictions in the military court system of perpetrators of serious crimes. A comprehensive military reform plan has yet to be

developed, although initial steps were taken towards the creation of the Rapid Reaction Force within FARDC. On 21 May, the Minister for Foreign Affairs, Raymond Tshibanda, briefed the diplomatic community in Kinshasa on the Government's plans to reform the security sector, in particular the army and police.

23. Some measure of progress was achieved with regard to structural reforms. Policy development and implementation have focused on increasing public revenue mobilization, improving management of State revenues and expanding the payment of public employees' salaries through automatic bank deposit, which is already the case for army and police personnel, in order to reduce embezzlement.

24. Regrettably, increasing fragmentation, as well as wrangling among political and social actors, including within the majority coalition, have contributed to a more difficult environment for consensus-building. I hope that the Government of the Democratic Republic of the Congo will continue to generate the will necessary to advance vitally needed but sensitive reforms.

B. Commitments of the region

25. On 17 March, following the crossing into Rwanda of some 600 combatants of the pro-Ntaganda faction of M23, Rwanda issued a press release indicating that the "soldiers and officers from the Democratic Republic of the Congo that have entered Rwanda have been disarmed and detained. Several wounded among them are receiving treatment with assistance from the Red Cross". Rwanda further informed of its consultations with several regional and international organizations to facilitate appropriate handling of the new group of refugees.

26. In a letter dated 24 March addressed to the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, the Government of Rwanda reported the presence of Jean-Marie Runiga, Baudoin Ngaruye and Innocent Zimurinda among the politicians and cadres of M23 who had crossed the border from the Democratic Republic of the Congo to seek refuge in Rwanda. The letter mentions the intention of Runiga to seek asylum in Uganda. The United Nations was also informed of the presence of Eric Badege in Rwanda, although his exact location is currently unknown.

27. On 26 May, on the margins of the Jubilee Summit of the Organization of African Unity-African Union, the Chairperson of the African Union Commission and I co-chaired the first meeting of the 11 plus 4 oversight mechanism, in Addis Ababa. It was the first time that the leaders of the region had met collectively since the signing of the Framework in February.

28. The President of the Democratic Republic of the Congo offered an extensive account of the measures his Government had taken to implement the national commitments. Building on the outcome of my joint visit with the President of the World Bank, the participants in the meeting of the oversight mechanism stressed the importance of regional economic integration as a key driver for peace. They welcomed the recent meeting of the Ministers for Foreign Affairs of the countries of the Economic Community of the Great Lakes Countries (CEPGL) held on 9 and 10 May, in Bujumbura, and expressed support for its recommendation that a summit of Heads of State of CEPGL be held as soon as possible.

29. At the same time, the inherent political dimensions of the Framework were highlighted as critical, and the use of force as a measure of last resort. Participants noted that spoilers to peace in the Democratic Republic of the Congo remained and welcomed the determination of the international community to take appropriate measures to deal with the threat posed by armed groups operating in the eastern part of the country, including by deploying the Force Intervention Brigade as part of MONUSCO. However, leaders of the region also reaffirmed the need to give a chance to dialogue with those stakeholders who accept it, and for appropriate political reforms and initiatives to be implemented.

30. While the meeting offered leaders the opportunity to reaffirm their commitments to the implementation of the Framework, more concrete actions have yet to be taken. In this respect, the leaders endorsed the establishment of a Technical Support Committee to develop a detailed plan for the implementation of the regional commitments, with benchmarks and follow-up measures. The Committee, composed of senior representatives of the 11 signatory countries, will also seek to resolve technical questions with a view to identifying common practices in the implementation of the Framework.

C. Development of benchmarks

31. The first meeting of the Technical Support Committee was held in Nairobi, on 24 June. Under the co-chairmanship of the United Nations and the African Union Commission, the Committee discussed a set of draft regional benchmarks, with indicators of progress. The Committee agreed to refine the regional benchmarks in subsequent meetings, before their presentation for adoption at the next meeting of the 11 plus 4 oversight mechanism, on the margins of the General Assembly, in September.

D. International commitments

32. As noted on several occasions by my Special Envoy, the implementation of the Framework is a shared responsibility. Following the first meeting of the 11 plus 4 oversight mechanism, my Special Envoy attended a meeting of the International Contact Group on the Great Lakes Region, held on 28 May, in Paris. She also visited New York on 3 and 4 June to attend a meeting on women and peacebuilding in the Great Lakes region, organized by the Permanent Mission of Ireland to the United Nations. In all her meetings with international partners and donors, the Special Envoy encouraged them to further coordinate their efforts in support of the Great Lakes region, including with such institutions as the African Development Bank and the World Bank.

V. Observations and recommendations

33. The signing of the Framework has contributed to containing the protracted crisis in eastern Democratic Republic of the Congo. However, the situation remains tense and prone to sporadic outbreaks of violence. This recurring cycle of violence poses a major obstacle to the consolidation of peace and greatly undermines development prospects in the Democratic Republic of the Congo. Meanwhile, the

mistrust that has developed between the Democratic Republic of the Congo and its eastern neighbours since the beginning of the crisis has contributed to heightened tensions on several occasions over the past year and continues to have an adverse impact on regional relations. However, I am encouraged to see that Governments and leaders of the region have continued to talk to each other, including on highly sensitive matters, either bilaterally or through regional organizations.

34. The past few months have been marked by a renewed sense of optimism generated by the political engagement of the international community in support of the efforts of regional leaders, the African Union, the International Conference on the Great Lakes Region and SADC, to improve the situation in the Great Lakes region. Having had a measure of success in containing the latest outbreak of violence, national, regional and international efforts must now focus on addressing the deep-rooted causes of the crisis in eastern Democratic Republic of the Congo.

35. The Framework offers the opportunity to pursue peace, security and development objectives concurrently. With the momentum generated by the Framework, the leaders of the Democratic Republic of the Congo and the region have the unique opportunity to create the conditions necessary for lasting security, stability and economic growth. In particular, the support of the World Bank Group can play a vital role in furthering regional economic integration, provided that trust is restored between the Democratic Republic of the Congo and its neighbours.

36. The development of benchmarks at the national and regional levels is essential to move the Framework forward and ensure that progress on commitments can be measured against an agreed baseline. I welcome the establishment by the Government of the Democratic Republic of the Congo of the national oversight mechanism and encourage the swift development of national benchmarks. I also urge the signatories of the Framework to develop regional benchmarks in a spirit of cooperation, through a process that helps build confidence among them. I count on their regular participation in and constructive engagement with the work of the Technical Support Committee established to define regional benchmarks.

37. While the Force Intervention Brigade is an essential element of efforts to address the threat posed by the presence of armed groups in eastern Democratic Republic of the Congo, it does not constitute an end in itself. I encourage the Government of the Democratic Republic of the Congo, the Parliament, political parties and civil society representatives to play their part in building the consensus needed to bring about the structural reforms outlined in the Framework and to lay the foundations for lasting peace in their country. In this regard, I welcome the intention of the Government of the Democratic Republic of the Congo to begin a national dialogue to foster national cohesion. I also welcome the resumption of the Kampala talks between the Government of the Democratic Republic of the Congo and M23, which remain a viable option for finding a peaceful solution to the crisis.

38. The United Nations stands ready to assist the Democratic Republic of the Congo and the countries in the region in the implementation of their commitments under the Framework. I encourage leaders of the region to intensify their engagement in political dialogue with those stakeholders who accept it. In this respect, my Special Envoy will develop, in the coming months, an overall political strategy on the implementation of the Framework, building on existing national and regional initiatives, where relevant, and on my joint visit with the President of the World Bank to the Great Lakes region.

39. Ensuring the success of the Framework requires significant and sustained engagement and support from the international community. The United Nations, the African Union, SADC and the International Conference on the Great Lakes Region will need to work hand in hand to ensure that their political initiatives are closely aligned and in support of the comprehensive approach contained in the Framework. I therefore call upon the larger international donor community to collaborate with those institutions to maximize economic and development opportunities for the region, in the context of the Framework. This in turn will necessitate close coordination at the country, regional and international levels.

40. I would like to thank my Special Envoy, Mary Robinson, supported by her Special Adviser, Modibo Ibrahim Touré, for her inclusive approach and for the positive steps she has taken to date. She will continue to work closely with my Special Representative in the Democratic Republic of the Congo on the implementation of the commitments of the Democratic Republic of the Congo under the Peace, Security and Cooperation Framework. I count on members of the Security Council to lend their full backing to my Special Envoy and ensure that she has the necessary political support and resources to effectively discharge her mandated duties.